

### **REMARKS**

Reexamination and reconsideration is respectfully requested in light of the foregoing amendment to the claims and following remarks. It is respectfully requested that Applicant's request for continued examination be approved.

Claims 1, 3-8, 10, 11 and 13-19 are pending in this application. Claims 2, 9 and 12 have been canceled without prejudice or disclaimer. Claims 3-5, 7, 8, 10, 11 and 13 have been withdrawn from consideration due to a restriction requirement. Applicant has noted the Examiner's holding that the restriction and election of species was made without traverse. New claims 14-19 have been added. No new matter has been added to the application. Support for the amendments to the claims and the added new claims can be found at paragraphs [0015], [0016], [0040]-[0047], [0074]-[0084] and [0093]-[0103] of the specification.

Applicants note the Examiner's acceptance of the drawings filed on December 27, 2005, as acknowledged in the Office Action Summary.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 6 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,671,391). Claims 2 and 12 have been canceled, thereby rendering the rejection of these claims moot. Claim 1 has been amended to provide for an image database which contains a plurality of images of one or more subjects, a specifying device for specifying a orientation of the subject for searching an image including the subject in the specified orientation; a determining device for determining a orientation of the subject in the images contained in the image database; a searching device for searching an image including the subject in the specified orientation based on a result of the determining a orientation of the

determining device, and a display device for displaying the search result of the searching device. The combination of devices recited in amended claim 1 is not suggested or taught by Zhang et al. The reference does not disclose separate devices for specifying the orientation of the subject and for determining the orientation of the images contained in the image database. The reference discloses ascertaining first whether the database includes a face, and if a face is present into what pose range the pose of the face falls (col. 16, lines 3-6 and 48-55). The search disclosed in Zhang et al. does not appear to search for a specific orientation as required by the claim as amended. Claim 6 is dependent on claim 1 and has been amended to change "heads" to --face-- to be consistent with the written disclosure of the invention. For the foregoing reasons, it is believed that claims 1 and 6 as amended is not *prima facie* obvious over Zhang et al.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,671,391) in view of Hagiwara et al. (U.S. Patent No. 6,816,611). Claim 9 has been canceled rendering the rejection of this claim moot.

#### **New Claims 14-19**

New claims 14-19 have been added to further define the invention. New claim 14 further limits claim 6 to the frontal orientation of the face. New claim 15 is further dependent on claim 1 and provides for a searching technique not taught or suggested by Zhang et al. New claims 16-19 are directed to an imaging extracting method. Claims 16 and 19 are believed to be patentable for the same reasons as set forth above for claims 1 and 15. Since claims 16 and 17 depend from base claim 16, these claims would also be patentable.

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### Conclusion

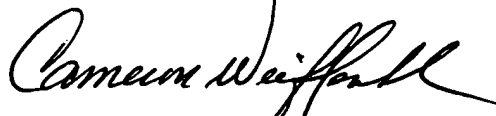
For the foregoing reasons, it is submitted that the claims 1, 6 and 14-19 are patentable over the teachings of the prior art relied upon by the Examiner. Accordingly, favorable reconsideration of the claims is requested in light of the preceding amendments and remarks. Allowance of the claims is courteously solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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